

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY ANDERSON,	:	
	:	
Plaintiff,	:	ORDER
	:	05-CV-2248 (JFB)(LB)
-- against --	:	
	:	
U.S. DEPARTMENT OF JUSTICE	:	
	:	
Defendant.	:	
-----X	:	

JOSEPH F. BIANCO, District Judge:

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 10, 2005, plaintiff *pro se* Gary Anderson filed a complaint seeking declaratory and injunctive relief ordering defendant, the Department of Justice, to produce records responsive to his requests under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 (2006) and the Privacy Act (“PA”), 5 U.S.C. § 552a (2006). (Compl. at ¶ 1.) On August 7, 2006, defendant moved to dismiss plaintiff’s *pro se* complaint pursuant to Fed. R. Civ. P. 12(b)(6) or, in the alternative, for summary judgment under Fed. R. Civ. P. 56. By Order dated February 16, 2007, Magistrate Judge Lois Bloom, to whom this matter had been referred for review, issued a Report and Recommendation (the “Report”), a copy of which is attached and incorporated herein, recommending that the Court grant defendant’s motion pursuant to Rule 56 and dismiss the complaint. On March 9, 2007, plaintiff submitted objections to the Report. For the reasons stated below, the Court adopts the Report in its entirety.

A district judge may accept, reject, or modify, in whole or in part, the findings and

recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no “specific, written objection” is made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See Fed. R. Civ. P. 72(b)*; *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997). As to those portions of a report to which specific written objections are made, the Court reviews such findings *de novo*. *See Fed. R. Civ. P. 72(b)*; *Hynes v. Squillace*, 143 F.3d 653, 656 (2d Cir. 1998); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997).

The Court has conducted a review of the full record, including, among other things, the complaint, the parties’ respective submissions in connection with defendant’s motion, as well as the Report, applicable law, and plaintiff’s objections. Having reviewed *de novo* all of portions of the Report to which plaintiff specifically objects, and having reviewed the remainder of the Report for clear error, the Court adopts the Report in its entirety and, for the reasons set forth therein, grants defendant’s motion and dismisses plaintiff’s complaint. The Clerk of the Court is directed to enter judgment in favor of defendant and close this case.

SO ORDERED.

JOSEPH F. BIANCO
United States District Judge

Dated: March 28, 2007
Central Islip, New York